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June 28, 2002

Via UNITED PARCEL SERVICE

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

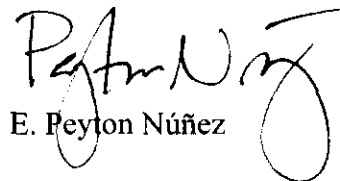
Re: Lower Darby Creek Superfund Site
UPS SLIM No. ENV200242765

Dear Ms. Prisk:

Enclosed is United Parcel Service, Inc.'s response to EPA's Request for Information in connection with the above-referenced matter.

Should you have any questions regarding UPS's response, please do not hesitate to give me a call.

Very truly yours,


E. Peyton Núñez

EPN:mos

ATL01/11229429v1

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**UNITED PARCEL SERVICE, INC.'S (NY) RESPONSE TO CERCLA § 104(e)
INFORMATION REQUEST REGARDING THE LOWER DARBY CREEK
AREA SUPERFUND SITE: CLEARVIEW LANDFILL, FOLCROFT LANDFILL,
AND FOLCROFT LANDFILL ANNEX**

**THE INFORMATION PROVIDED IN THIS RESPONSE
IS COMPANY CONFIDENTIAL PURSUANT TO SECTIONS
104(e)(7)(E) of CERCLA AS AMENDED BY SARA,
42 U.S.C. § 9604(e)(7)(E) AND (F) AND 40 C.F.R. § 2.203(b)**

UNITED PARCEL SERVICE, INC.'S (NY) RESPONSE TO CERCLA § 104(e)
INFORMATION REQUEST REGARDING THE LOWER DARBY CREEK
AREA SUPERFUND SITE: CLEARVIEW LANDFILL, FOLCROFT LANDFILL,
AND FOLCROFT LANDFILL ANNEX

United Parcel Service, Inc. (NY) (UPS) responds to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") § 104(e) Request for Information dated April 22, 2002, relating to the Lower Darby Creek Area Superfund Site, including the Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex (collectively referred to as the "Site") as follows:

I. GENERAL OBJECTIONS AND STATEMENT OF LIMITATIONS

1. UPS objects to each request to the extent that it exceeds the scope of permissible information gathering and access under CERCLA § 104(e).
2. UPS objects to each request to the extent that the request seeks information concerning all of UPS's facilities in the Philadelphia area. Based on information received from the Environmental Protection Agency ("EPA") concerning UPS's alleged connection to the Site, as well as verbal approval from Ms. Carlyn Winter-Prisk, UPS's review, identification, and production of documents, and the information supplied in response to the requests set forth below, is limited to UPS's Oregon Avenue, South Philadelphia facility.
3. UPS objects to each request to the extent that the request was prepared by an entity or person other than the EPA.
4. UPS objects to each request to the extent that the request seeks a response that is protected by any privilege or immunity, including the attorney-client privilege and the attorney work-product doctrine. No documents or information subject to this objection are being provided.
5. UPS objects to each request to the extent that the request is unduly burdensome, is not sufficiently definite or specific, and/or is not reasonably relevant to EPA's basic inquiry concerning the Site.
6. UPS objects to each request to the extent that the request seeks information about any entity other than UPS, as UPS does not have knowledge or information sufficient to form a reliable response to such inquiries.
7. UPS objects to each request to the extent that it requires UPS to provide information or documents that may be obtained by EPA from another source that is more convenient, less expensive, or less burdensome.

8. UPS objects to each request to the extent that it requires UPS to review or analyze documents to obtain information not specifically known by UPS's officers, agents, or employees.

9. UPS objects to each request to the extent that it requires UPS to identify each document that is responsive to each individual request because such a requirement is unduly burdensome. Accordingly, UPS is producing documents as they are kept in the ordinary course of business.

10. UPS objects to each request to the extent that it purports to require investigation and review of documents from any person or entity whose role in matters related to this Request for Information was and is purely ministerial or insubstantial, or who is not employed by or under contract with UPS or an affiliated company. Such requests are unduly burdensome, broad, and vague.

Subject to the foregoing objections, and without waiving any objection, UPS responds herein to the Request for Information based on information that it possesses at this time, a review of documents consistent with the limitations stated herein and within its custody at this time, and those documents which were located after a reasonable search of its records. As UPS's investigation in this matter is ongoing, UPS reserves the right to supplement any response with additional information as it becomes available.

II. RESPONSES TO NUMBERED REQUESTS FOR INFORMATION

1. **State the name of your company, its mailing address, and telephone number. Further identify:**

- a. **The dates and states of incorporation of your company;**
- b. **The date and original state of incorporation of your company; and**
- c. **The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.**

UPS objects to this request because it is overly broad, unduly burdensome, and not reasonably relevant to EPA's basic inquiry concerning the Site. Subject to and without waiving the foregoing objections and general objections, UPS states: United Parcel Service, Inc., 55 Glenlake Parkway, N.E. Atlanta, Georgia 30328. UPS was incorporated in New York on June 27, 1930. UPS's parent is United Parcel Service, Inc., a Delaware corporation.

2. **What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.**

UPS has conducted package sorting, distribution, and delivery operations and minor automotive repair operations at its Oregon Avenue, South Philadelphia facility from 1966 to the present, except that the facility was closed from approximately the spring of 1967 through the summer of 1970.

3. **Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.**

UPS objects to this request because it is overly broad, unduly burdensome, vague, ambiguous, and not reasonably relevant to EPA's basic inquiry concerning the Site. Subject to and without waiving the foregoing objections and general objections, UPS states the following persons may have knowledge of UPS's operations and waste disposal practices during the applicable time period. These individuals are employees of UPS, which is represented by counsel. Accordingly, we request that these individuals not be contacted directly. To the extent EPA desires to contact these individuals, we ask that EPA contact UPS's outside counsel to make the necessary arrangements.

Frank Lubas, South Philadelphia District Environmental Coordinator, employed with UPS from 1988 to the present.

Robert Brittin, Plant Engineering Maintenance Mechanic, employed with UPS from 1964 to the present.

Jim Cuff, Automotive Mechanic, employed with UPS from 1971 to the present.

Dennis Barolin, Automotive Supervisor, employed with UPS from 1967 to the present.

In addition, the following former UPS employees may have knowledge concerning UPS's operations and disposal practices during the applicable time period:

Bob Sloat, who worked at UPS's Oregon Avenue facility from 1970 to 1976. Mr. Sloat served as an Automotive Manager from 1970 to 1971 and as a Building Manager from 1971 to 1976. Mr. Sloat's telephone number is [REDACTED]

George Fultz, former Automotive Supervisor, address and telephone number unknown.

Joe Goling, former District Manager, address and telephone number unknown.

Dick Polaski, former Controller, deceased.

Lou Petty, former District Manager, address and telephone number unknown.

4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide:

- a. The dates of their operation;**
- b. The nature of their operation; and**
- c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).**

UPS objects to this request because it is overly broad, unduly burdensome, vague, and ambiguous. Subject to and without waiving the foregoing objections and the general objections, UPS states: See UPS's response to request numbers 1, 2, 6, and 7, which are incorporated herein by reference.

5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.

- a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;**
- b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and**
- c. Describe any contracts or correspondence between your company and/or establishments) and any other company or entity regarding the transportation and disposal of such wastes.**

UPS objects to this request because it is overly broad, unduly burdensome, vague, ambiguous, and not reasonably relevant to EPA's basic inquiry concerning the Site. Subject to and without waiving the foregoing objections and the general objections, UPS states that the Oregon Avenue facility would have maintained manifests and Returned Goods Memos related to hazardous and non-hazardous waste shipped for off-site disposal or recycling. These documents would have contained information concerning the waste type, the waste quantity, and the payment, if any, related to the waste disposal or recycling. UPS has no additional information responsive to this request.

6. **Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:**
- a. **The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;**
 - b. **The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;**
 - c. **The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;**
 - d. **The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;**
 - e. **The types and sizes of containers in which these substances were transported and stored: and**
 - f. **The persons or companies that supplied each such hazardous substance to your company.**

UPS objects to this request because it is overly broad, unduly burdensome, vague, ambiguous, harassing, and not reasonably relevant to EPA's basic inquiry concerning the Site. Subject to and without waiving the foregoing objections, UPS states that it used the following substances at its Oregon Avenue facility as part of its minor automotive operations in 1966 and 1970 to 1976: Antifreeze, gear oil, motor oil, transmission oil, hydraulic fluid, and brake fluid. Upon information and belief, the gear, engine, motor, and transmission oils were Mobil products. UPS is attempting to locate MSDSs for these substances and will provide them if located. In addition, UPS used solvents in its parts washer. Used solvent was removed by, and new solvent was supplied by, Safety Kleen. UPS has no additional information responsive to this request.

7. **Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:**
- a. **The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;**
 - b. **The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;**
 - c. **The annual quantities of each such byproduct and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;**
 - d. **The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;**
 - e. **The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and**
 - f. **The location and method of treatment and/or disposal of each such by-product or waste.**

UPS objects to this request because it is overly broad, unduly burdensome, vague, ambiguous, harassing, and not reasonably relevant to EPA's basic inquiry concerning the Site. Subject to and without waiving the foregoing objections and general objections, UPS states: See UPS's response to request number 7, which is incorporated by reference.

By way of further response, UPS states that during the applicable time period, all waste oil generated at the Oregon Avenue facility was picked up by various companies for recycling. UPS personnel familiar with the Oregon Avenue facility's operations during the relevant time period can not recall the names of the recycling companies used, and documents related to UPS's waste oil recycling during that time period have been destroyed pursuant to UPS's document retention policy.

In addition, UPS generated used tires, which were picked up by Palmer Tire for disposal or re-cap, and scrap metal, which was recycled by Camden Iron. Finally, UPS generated general office trash. UPS personnel familiar with the Oregon Avenue facility's operations during the relevant time period cannot recall the name of the company that picked up this trash.

8. **Did your company ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckley Trash Hauling, Barratt Rupurt, McCloskey Engineering, ABM Disposal Services, Marvin Jonas, Jonas Waste Removal, Paolino Company:, Schiavo Bros., Inc., Gene Banta Trash Removal, City Wide Services, and/or any other company or municipality to remove or transport material from your**

establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976 for disposal? If so, for each transaction identified above, please identify:

- a. The person with whom you made such a contract or arrangement;**
- b. The date(s) on which or time period during which such material was removed or transported for disposal;**
- c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);**
- d. The annual quantity (number of loads, gallons, drums) of such material;**
- e. The manner in which such material was containerized for shipment or disposal;**
- f. The location to which such material was transported for disposal,**
- g. The person(s) who selected the location to which such material was transported for disposal;**
- h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and**
- i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.**

UPS objects to this request because it is overly broad, unduly burdensome, vague, and ambiguous. Subject to and without waiving the foregoing objections and the general objections, UPS states that in connection with this information request, EPA provided UPS with a ticket from Tri-County Hauling, Inc., which purports to show that Tri-County Hauling picked up 40 yards of unspecified materials from UPS's Oregon Avenue facility. Notwithstanding this ticket, upon information and belief, UPS did not contract or have an arrangement with any of the above-referenced companies or individuals.

- 9. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:**
 - a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site:**
 - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or**

- c. **Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.**

UPS has no knowledge or information responsive to this request.

- 10. **For every instance in which your establishment(s) disposed of or treated material at Clear view, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:**
 - a. **The date(s) on which such material was disposed of or treated at the Site;**
 - b. **The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);**
 - c. **The annual quantity (number of loads, gallons, drums) of such material;**
 - d. **The specific location on the Site where such material was disposed of or treated; and**
 - e. **Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.**

UPS has no knowledge or information responsive to this request.

- 11. **Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview; Folcroft and. Folcroft Annex or any other portion of the Site? If so, identify the following:**
 - a. **The date(s) the spill(s)/release(s) occurred;**
 - b. **The composition (i.e., chemical analysis) of the materials which were spilled/released;**
 - c. **The response made by you or on your behalf with respect to the spill(s)/release(s); and**
 - d. **The packaging, transportation, and final disposition of the materials which were spilled/released.**

UPS has no knowledge or information responsive to this request.

12. **Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.**

UPS objects to this request because it is overly broad, unduly burdensome, vague, ambiguous, and not reasonably relevant to EPA's basic inquiry concerning the Site. Subject to and without waiving the foregoing objections and the general objections, UPS states that the following individuals may have had some responsibility for arranging for waste removal/recycling/disposal during the applicable time period:

Bob Sloat, telephone number [REDACTED]

George Fultz, former Automotive Supervisor, address and telephone number unknown.

Joe Goling, former District Manager, address and telephone number unknown.

Dick Polaski, former Controller, deceased.

Lou Petty, former District Manager, address and telephone number unknown.

13. **Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.**

UPS objects to this request because it is overly broad, unduly burdensome, vague, and ambiguous. Subject to and without waiving the foregoing objections and the general objections, UPS states: No.

14. **If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.**

UPS has no knowledge or information responsive to this request.

15. Representative of your establishment(s):

- a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.**
- b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.**

E. Peyton Núñez, outside counsel, Alston & Bird LLP, 1201 W. Peachtree Street, Atlanta, Georgia, 30309-3424, telephone number 404.881.7629, fax number 404.881.7777, email address pnunez@alston.com.

16. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

- a. Your document retention policy;**
- b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;**
- c. A description of the type of information that would have been contained in the documents; and**
- d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.**

UPS objects to this request because it is overly broad, unduly burdensome, harassing, and not reasonably relevant to EPA's basic inquiry concerning the Site. Subject to and without waiving the foregoing objections and general objections, UPS states that, upon information and belief, all documents responsive to this request were destroyed via shredding pursuant to UPS's document retention policy. Pursuant to UPS's document retention policy, all manifests are maintained for five years; all audits/inspections are maintained for three years; and all remaining documents are maintained for one year, unless applicable federal or state law requires otherwise. These documents, which would have included manifests, returned goods memos, purchase orders, receipts, and related documents, would have included information regarding substances UPS purchased, used, and eventually sent away for recycling or disposal. These documents would have been maintained by the Oregon Avenue facility. UPS has no additional information responsive to this request.